

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

THE CITY OF LAKWOOD, OHIO,)
)
Plaintiff,) Case No. 1:18-op-45240
)
 MDL No. 2804
vs.) Case No. 17-md-2804
)
PURDUE PHARMA L.P., *et al.*) Judge Dan Aaron Polster
)
Defendants.)

**PLAINTIFF CITY OF LAKWOOD, OHIO'S RESPONSE TO PLAINTIFFS'
POSITION STATEMENT REGARDING CONTINUING LITIGATION, AND
RENEWED MOTION FOR EXCEPTION OR AMENDMENT
TO CASE MANAGEMENT ORDER ONE**

Plaintiff City of Lakewood, Ohio, in Case No. 1:18-op-45240, respectfully moves this Honorable Court for an Order that it may be added as a party plaintiff in Case Track 1C (“CT1C”) as proposed in the Plaintiffs’ Position Statement Regarding Continuing Litigation (“PPS”) (DKT. No. 2906) for all of the following reasons:

1. Plaintiff City of Lakewood, Ohio (“Lakewood”) fully supports and endorses the reasoning set forth in Section I.(B) of the PPS. There is a clear efficiency in litigating the claims of the two major cities within the original bellwether counties, Cuyahoga and Summit.
2. Lakewood is also a city within Cuyahoga County and would share in the same efficiency of litigation applicable to the City of Cleveland.

3. Lakewood is a 1st ring, or inner ring, suburb of Cleveland. Lakewood is representative of suburban communities throughout the United States who have sustained in many cases a disproportionate burden as a result of the opioid epidemic in this country.

4. This Court identified its initial litigation track plaintiffs who were within its jurisdictional limits in the N.D. of Ohio. Lakewood is also wholly within the N.D. of Ohio.

5. Lakewood is the only suburb in the country to be included as a class representative in the Negotiation Class established by this Court (DKT. No. 2590, 2591). Yet there are presently no suburban communities represented in any litigation track.

6. As set forth in its Motion for Exception or Amendment to Case Management Order One (DKT. No. 38), Denied without prejudice (DKT. No. 40), Lakewood has sustained a crushing burden to its citizens and its resources:

a. Lakewood has the highest incidence of opioid overdose of any city in Cuyahoga County and the second highest incidence of opioid overdose in the State of Ohio.

b. The population of Lakewood is just over 50,000, but its population density is the highest in the State of Ohio, and is roughly comparable to that of Washington, D.C.

c. In 2016 through the end of the year, Lakewood emergency medical services, fire and police personnel responded to 142 individuals who had overdosed on heroin, fentanyl and other prescription and non-prescription drugs. Of these 142 reported overdose events, 31 resulted in death.

d. Lakewood police responses to reports of fentanyl use increased from 198 in 2013 to 517 in 2016.

e. In 2016 and 2017, the Lakewood Municipal Court processed more than 550 total drug-related offenses under various city ordinances and Ohio state laws.

f. In 2017, the City of Lakewood passed and implemented legislation establishing Project SOAR (Supporting Opiate Addiction Recovery). Project SOAR is an innovative and aggressive system-wide approach to combating opioid addiction, equipping its first responders with naloxone to counter the effects of overdoses, as well as providing longer-term treatment and healing resources to those already addicted. The program is the first of its kind in Northeast Ohio.

7. The human toll on Lakewood's citizens, and the impact on Lakewood's resources have been borne solely by Lakewood and not by Cuyahoga County or the City of Cleveland.

8. Counsel for the City of Lakewood are attorneys who are vastly experienced in complex litigation, and local counsel is well known to the Court and the Court-appointed Liaison Counsel.

9. The City of Lakewood, , including through its Director of Law, Kevin M. Butler, is fully committed to this matter on behalf of the citizens of Lakewood whose first responders and court system have sustained a significant burden on the community's resources.

10. Lakewood's participation in CT1C would require no additional judicial resources and would add at most only minimal discovery into the factors set forth in Lakewood's previously-filed Plaintiff's Fact Sheet. The corollary is that Lakewood's inclusion in CT1C would be that this nation's communities which surround larger cities would have a representative to present the case of the harm they have all been forced to confront in this eviuous opioid crisis.

WHEREFORE, Plaintiff City of Lakewood, Ohio respectfully requests that it be included as a Plaintiff in Civil Track 1C in coordination with the proposal set forth in Plaintiffs' Position Statement Regarding Continuing Litigation and in renewal of its initial Motion for Exception or Amendment to Case Management Order One (DKT. No. 232).

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was electronically filed with the U.S. District Court, Northern District of Ohio, on November 7, 2019 and served upon counsel of record via the Court's electronic filing system.

/s/ James A. Lowe
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